

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO.10852 of 2004

Between:

M/s JCB India Limited,

RTC Colony L.B.Nagar, Hyderabad

rep. by its Regional Manager, Mr.K.J.B.Achari. **PETITIONER**

AND

1.The Assistant Commissioner (CT)(LTU),

Hyderabad Rural Division, Hyderabad.

2.The Appellate Deputy Commissioner (CT)

Hyderabad Rural Division, Nampally, Hyderabad.

3.The Additional Commissioner (CT)

Legal Andhra Pradesh, Nampally, Hyderabad.

4.The Deputy Commercial Tax Officer,

Saroomnagar Circle, Hyderabad.**RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction declaring the action of the 4th respondent in issuing Form-1 and II under Revenue Recovery Act for recovery of the balance disputed tax of Rs.1,25,66,142/- for the assessment year 2003-04 (upto January 2004) during pendency of stay application before the 3rd respondent as arbitrary and unjustified and direct him to dispose of the representation under Rule 50 filed on 26.6.2004 and also restrain him from taking any coercive steps for recovery of the balance disputed demand till disposal of the stay application before the 3rd respondent and pass such other order.

Counsel for the Petitioner: MR.P.SRINIVASA REDDY

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court made the following :

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ORDER: (PER SRI BN, J)

No orders are needed to be passed in this writ petition. Hence, writ petition is dismissed. No costs.

15-07-2004

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Copy to:

1.The Assistant Commissioner (CT)(LTU),

Hyderabad Rural Division, Hyderabad.

2.The Appellate Deputy Commissioner (CT)

Hyderabad Rural Division, Nampally, Hyderabad.

3.The Additional Commissioner (CT)

Legal Andhra Pradesh, Nampally, Hyderabad.

4.The Deputy Commercial Tax Officer,

Saroornagar Circle, Hyderabad.

5.Two CCs to the G.P. for Commercial Taxes,

High Court Buildings, Hyderabad (O.U.T)

6.Two C.D copies.